

REMARKS

Applicant respectfully requests reconsideration and allowance of claims 3, 4 and 7-26 that are pending in the above-identified application. Applicant has amended claims 4, 8-9, and 19. No new matter is added by the claim amendments.

At numbered paragraphs 1 and 2 (pages 2-4) of the Office Action, the Examiner rejected claims 3-4, 7-8, and 9-26 under 35 U.S.C. § 103 as being unpatentable over U.S. Patent No. 5,978,855 (the "Metz reference") in view of U.S. Patent No. 5,765,113 (the "Russo reference"). In view of the amendments to the claims hereinabove, Applicant respectfully submits that this rejection should be withdrawn.

Independent apparatus claim 9 as amended recites a data reception device designed to "receive wirelessly transmitted digital signals, comprising: program detecting means for detecting program software in said received digital signals in an ordinary receiving mode . . . ; signal quality detecting means for detecting a quality level of said received digital signals . . . ; and control means for controlling said storing operation of said program software, wherein said control means executes said storing operation only when said average quality level is better than a pre-determined level." Independent method claim 19 recites method steps that substantially track the above quoted features of independent apparatus claim 9.

Applicant respectfully submits that neither the Metz reference nor the Russo reference, taken alone or in combination, disclose or suggest the above discussed features of independent claims 9 and/or 19. As an initial matter, Applicant submits that the Examiner has improperly combined certain teachings of the Russo reference with the teachings of the Metz reference. In particular, the Examiner urges that it would have been obvious to one of ordinary skill in the art to modify the system disclosed in the Metz reference with "a signal quality detection and

correction algorithm" as taught by the Russo reference. Contrary to the Examiner's conclusion, Applicant submits that one skilled in the art would not be motivated to combine the "signal quality detection" teaching of the Russo reference with the system of the Metz reference. Applicant's grounds for this follows.

The Metz reference is directed to downloading information provided by a source system 11 over a digital broadcast network 15 by way of cable to one or more set-top systems 100. It is well known that networks that are interconnected by way of cable are designed with the assumption that signals transmitted over the network are of suitable quality. As such, there is no need to determine a quality level of a signal over the digital broadcast network 15 of the Metz reference before downloading such data. Moreover, one skilled in the art would not be motivated to combine the "signal quality detection and correction algorithm" that the Examiner purports is taught by the Russo reference with the system disclosed in the Metz reference. Applicant submits that for this reason alone, sufficient grounds for withdrawing the § 103 rejection of independent claims 1 and 9 of the instant application is warranted.

In view of the foregoing, Applicant submits that the Examiner's § 103 rejection of independent claims 9 and 19 should be withdrawn. Further, dependent claims 3-4, 10-18, and 7-8, 20-26 depend from independent claims 9 and 19, respectively, and contain all of the limitations thereof as well as other limitations which are neither disclosed nor suggested by the prior art of record. Accordingly, Applicant submits that the subject dependent claims are likewise patentable.

In view of the foregoing, Applicant submits that the instant claims are in condition for allowance. Early and favorable action is earnestly solicited. If, however, for any reason the Examiner does not believe that such action can be

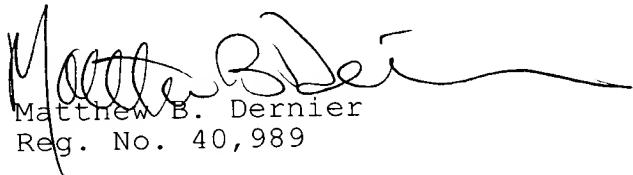
Application No. 09/035,612

taken at this time, it is respectfully requested that he telephone Applicant's attorney at (908) 654-5000 in order to overcome any additional objections which he might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

Respectfully submitted,

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of  
Keiji Yuzawa

Application No. 09/035,612

Filed: March 5, 1998

For: DATA RECEPTION DEVICE  
AND DATA RECEPTION METHOD

:  
: Group Art Unit: 2611  
: Examiner: R. Brown  
: Date: May 16, 2001  
:  
X

Commissioner for Patents  
Washington, D.C. 20231

Sir:

Transmitted herewith is an amendment in the above-identified application.  
The fee has been calculated as shown below.

CLAIMS AS AMENDED						
(1)	(2)	(3)	(4)	(5)	(6)	(7)
	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PAID FOR	NUMBER OF EXTRA CLAIMS	RATE	ADDL. FEE
TOTAL CLAIMS * 22	MINUS ** 22		= 0	x \$ 18 = \$		0.00
INDEP. CLAIMS * 2	MINUS *** 3		= 0	x \$ 80 = \$		0.00
FEE FOR FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM(S)				\$270 = \$		0.00
				TOTAL ADDITIONAL FEE FOR THIS AMENDMENT.....		\$ 0.00

\* If the entry in col. 2 is less than entry in col. 4 write "0" in col. 5.

\*\* If the "highest number paid for" in this space is less than 20, write "20" in this space.

\*\*\* If the "highest number paid for" in this space is less than 3, write "3" in this space.

- No additional fee is required.
- Charge \$0.00 or any additional fees or credit overpayment to Deposit Account No. 12-1095. A duplicate copy of this sheet is enclosed.

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